IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22914 of 2004

Between:

Pulavarthy Vasudeva Murthy, S/o. Venkateswara Rao,
R/o. Bandaruvari Street, Rajahmundry, East Godavari District.

..... PETITIONER

AND

1.. Rajahmundry Municipality represented by its Commissioner now

Municipal Corporation, rep by Commissioner
2.. Government of A.P. Rep by its Secretary, Muncipal Administration,

Secretariat Buildings, Hyderabad

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 1st respondent in not regularising contruction of Building the petitioners building bearing No. 7-18-10, and 7-18-11 situated at Bandaruvari Street, Rajahmundry is illegal, arbitrary, discrimanatory under Constitution of India and contrary to the provisions of Municipal Corportion Act 6 of 2003 and direct the 1st respondent to regularise the petitioner's house in pursuance of Act 6 of 2003 and pass such other or further orders

Counsel for the Petitioner:MR.G.KRISHNA MURTHY

Counsel for the Respondents .: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be owner of house bearing No.7-18-10 and 7-18-11, Bandaruvari Street, Rajahmundry, having purchased the same under a registered sale deed dated 17-6-1994. The petitioner intends to make some alterations and repairs to the said building and made an application dated 16-2-1994 and the same was returned and a notice dated 16-3-1994 was issued to the petitioner, followed by provisional order under section 228 (1) of A.P.Municipalities Act dated 5-7-1994 calling upon the petitioner to stop the alterations and remove the constructions and a final order dated 17-8-94. Questioning the said action, the petitioner filed suit O.S.No.885 of 1994 on the file of the Principal Junior Civil Judge, Rajahmundry. Thereafter the petitioner is stated to have withdrawn the said suit and made representations dated 30-11-2001, 22-3-2002, 6-11-2002, 2-6-2003 and 01-7-2003 for regularization, and complains that no action was taken thereon. It is further stated that the Government has passed an Act to regularize the unauthorized constructions known as A.P. Regularisation of the Unauthorised Constructions in Municipal Corporations, Municipalities and Urban Development Authorities Act, 2003 (Act 6 of 2003) and that petitioner has made a representation to the first respondent on 24-6-2004 seeking regularization of his constructions. Complaining that no action was taken thereon, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Municipal Administration. Both counsel agreed for disposal of the writ petition at the admission stage.

Since, the representation of the petitioner dated 24-06-2004 is pending consideration before first respondent, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition, directing the first respondent to consider the same and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of copy of this order.

Subject to above, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

10-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Commissioner, Rajahmundry Municipality now

Municipal Corporation, Rajahmundry,
2.. The Secretary, Government of A.P., Muncipal Administration,

Secretariat Buildings, Hyderabad

3.2CCs to G.P. for Municipal Administration, High Court of A.P. Buildings,

Hyderabad (OUT)

4.2CD copies

5.2CCs to

*Form-NIC-OGS/WP{**RLD**}*